

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

\*\*\*\*\*  
CITY OF SOMERVILLE, \*  
Plaintiff \*  
\*  
v. \* CIVIL ACTION  
\* NO 1:15-CV-12331  
SHAWN WILLIAMS, as SUPERVISOR \*  
OF PUBLIC RECORDS, \*  
Defendant. \*  
\*  
\*\*\*\*\*

MOTION TO STAY PENDING JUDICIAL REVIEW

The Plaintiff hereby moves for a stay of the decision of the Supervisor of Records pending judicial review of the decision dated January 6, 2015. The Supervisor of Public Records ordered the City of Somerville to provide an unredacted copy of residential parking permits to Todd Wallack.

By turning over the first name, last name, address, zip code, phone numbers, and email addresses of permit holders acquired by the City in connection with motor vehicle related permits, the City would effectively be turning over the same information for which the Driver's Privacy Protection Act, 18 U.S.C. § 2721, contemplated non-disclosure, thereby frustrating the purpose of the Act.

The Plaintiff alleges that the decision rendered by the Supervisor of Public Records was rendered in violation of G. L. c. 30A, Section 7(c).

Pursuant to G. L. c. 30A, § 14(3), "the agency may stay enforcement, and the reviewing court may order a stay upon such terms as it considers proper."

The Plaintiff initially sought a stay in writing from the Defendant. (See Exhibit A). The Defendant will not voluntarily grant a stay. .

A stay should be granted because the Plaintiff's Complaint will present complex and novel legal questions involving the Driver's Privacy Protection Act. The consequences of the Supervisor's decision are far-reaching and have an immediate impact on the privacy expectations of the residents of Somerville. Absent a stay, the Plaintiff will suffer irreparable injury because it would effectively moot the issue of releasing information for which residents have an expectation of privacy, without first having judicial review. By granting a stay, the Court affords an opportunity for judicial review without disturbing the status quo. The Defendant will not be prejudiced by the stay. The ends of justice will best be served by the maintenance of the status quo pending completion of judicial review of the agency's decision.

Wherefore, the Plaintiff requests a stay of enforcement pending judicial review.

CITY OF SOMERVILLE  
By its attorney,

/s/ David P. Shapiro  
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Dated: 6/15/2015

CERTIFICATE OF SERVICE

This certifies that on June 15, 2015, a true copy of the above document was served by 1<sup>st</sup> class mail, postage prepaid to Shawn A. Williams, Supervisor of Public Records, One Ashburton Place, Room 1719, Boston, MA 02108 and Catherine E. Sullivan, Esq., Attorney General's Office, Government Bureau, One Ashburton Place, Boston, MA 02108

/s/ David P. Shapiro  
David P. Shapiro  
Assistant City Solicitor

